

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**MARILYN MONROE HOWARD and
PAULA AGUILAR, individually and as
Special Administrators of the Estate of Monroe
Isadore, deceased**

PLAINTIFFS

V. CASE NO.: 5:14CV330 KGB

City of Pine Bluff, Arkansas, et al.

DEFENDANTS

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

COME now the Defendants, Chief Jeff Hubanks and Officer Brad Vilches, each in their individual and official capacities, by and through their attorney, John L. Wilkerson, and for their Motion for Summary Judgment, state:

1. The Plaintiffs filed claims pursuant to 42 U.S.C. § 1983 alleging violations of the Fourth Amendment of the United States Constitution and battery and wrongful death under Arkansas law.

2. There are no genuine issues of material fact.

3. In support of this motion, Defendants rely upon:

- a. the pleadings of the parties;
- b. the Brief in Support of Motion for Summary Judgment filed contemporaneously herewith;
- c. Defendants' Statement of Undisputed Material Facts, and exhibits A through Y attached thereto.

4. Therefore, for the reasons more fully discussed in the accompanying brief and contemporaneously filed Statement of Undisputed Material Facts, Defendants are entitled to summary judgment as to all claims asserted against them in this matter.

WHEREFORE, Defendants respectfully request that this Court grant their Motion for Summary Judgment, and for all other just and proper relief to which they are entitled.

Respectfully submitted,

THE CITY OF PINE BLUFF, ARKANSAS;
JEFF HUBANKS, and BRAD VILCHES, each
in their individual and official capacities,
Defendants

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CERTIFICATE OF SERVICE

I, John L. Wilkerson hereby certify that on this 23rd day of October, 2015, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System, which will send notification of such filing to all CM/ECF participants listed below:

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